S.B. CIVIL WRIT PETITION NO.2848/2007.
Jamiluddin
Vs.
A.D.J. No.9, Jaipur City, Jaipur and anr.
Date of Order :- **30/4/2007.**

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri L.L. Gupta for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner-defendant has challenged the order dated dated 5/4/2007 whereby the learned Additional District Judge No.9, Jaipur City, Jaipur allowed the application filed by the respondent-plaintiff under Order 38 Rule 5 read with Section 151 CPC attaching the property of the petitioner-defendant situated at Pahadganj, Topkhana Hujuri, Surajpole, Jaipur admeasuring 238.34 sq.mtr. It has been directed that if the petitioner is able to furnish solvent security for a sum of Rs.10,20,478/- to the satisfaction of the court, the same shall not be attached. The

plaintiff-respondent has filed suit for recovery of the aforesaid amount against the petitioner-defendant. The petitioner on his own showing has already executed an agreement to sell of the said property on 13/7/2005. In the circumstances of the case therefore, apprehension of the plaintiff-respondent that petitioner will alienate or dispose of his property in question and in that case it will be difficult for him to get the decree satisfied, cannot be said to be wholly unfounded.

I, therefore, do not find any error in the impugned-order.

The writ petition is therefore dismissed in limine.

(MOHAMMAD RAFIQ), J.

anil